

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE APRIL 13, 2010

**SENATE BILL**

**No. 1277**

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**Introduced by Senator Florez**

February 19, 2010

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An act to add Sections 600.6, 600.7, and 600.8 to the Penal Code, relating to animal abuse.

LEGISLATIVE COUNSEL'S DIGEST

SB 1277, as amended, Florez. Animal abuse: registry: Internet publication.

(1) Existing law requires persons convicted of arson and sex crimes to register with local law enforcement, as provided. The Department of Justice is required to make specified information about certain sex offenders available to the public via an Internet Web site and to update that information on an ongoing basis.

This bill would require any person over 18 years of age who is convicted of felony animal abuse, as defined, to register with the appropriate law enforcement agency, as provided, for a period of 10 years *from the date of conviction*. The bill would require that the registration consist of a signed written statement of specified information, including, but not limited to, legal name and aliases, date of birth, address or current location, name and address of employer, and the specific felony animal abuse conviction for which the person is required to register. The registration would also consist of a photograph of the person, a complete set of fingerprints, and a description of any tattoos, scars, or other distinguishing features on the person's body that would assist in identifying the person. The bill would require that, within 3 days after the registration, the registering law

enforcement agency electronically forward the statement, fingerprints, and photograph of the registrant to the Department of Justice. Because the bill would require local law enforcement agencies to provide this new service, it would impose a state-mandated local program.

The bill would specify that any person required to register who violates any of those provisions would be guilty of a misdemeanor, and if the person willfully fails to register, he or she would be guilty of a misdemeanor punishable by not less than 90 days and not more than one year in a county jail. A person could be relieved of the duty to register only as specified.

The bill, on or before January 1, 2012, would require the department to make available information concerning persons who are required to register as a result of felony animal abuse convictions to the public via an Internet Web site, as specified. The department would be required to update the Internet Web site on an ongoing basis. The name or address of the person's employer and the listed person's criminal history other than the specific crimes for which the person is required to register would be prohibited from being included on the Internet Web site. The registration information that would be required to be published on the Internet Web site would include, but not be limited to, his or her name and known aliases, a photograph, a physical description, including gender and race, date of birth, criminal history, the address at which the person resides or the county in which the person is registered as a transient, and any other information that the Department of Justice deems relevant. The bill would require that the department make a reasonable effort to provide notice to affected offenders that the department is required to make information about those people available to the public. A person would be removed from the Internet Web site if he or she were relieved of the duty to register, as specified.

The bill would also (1) provide that any person who uses information disclosed pursuant to the Internet Web site to commit a ~~misdemeanor crime~~ is punishable by a fine of not less than \$10,000, nor more than \$50,000, ~~and that the use of that information to commit a felony is punishable by an additional 5-year term of imprisonment~~; (2) make it a misdemeanor for an offender who is required to register to enter the Internet Web site; and (3) provide for civil liability for the misuse of the information from the Internet Web site. Because this bill would create these and other new crimes as specified above, it would impose a state-mandated local program.

This bill would require a person who has been convicted of a specified offense against an animal to, in addition to any other fine imposed, pay a penalty of \$200 for a misdemeanor conviction and \$500 for a felony conviction. This bill would establish the Animal Protection Fund in the State Treasury and would require the moneys from the above fines be deposited into the fund, to be available, upon appropriation by the Legislature, for creating, administering, and updating the Internet Web site as required by the act, and to local governments for spay and neuter programs.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 600.6 is added to the Penal Code, to read:  
2 600.6. (a) As used in this section, “animal abuse” means a  
3 felony conviction of Section 597, 597b, 597.5, or 600, or a felony  
4 conviction for an attempt to commit one of those offenses, or a  
5 felony conviction for a comparable offense in another state.  
6 (b) (1) Every person, over 18 years of age, described in  
7 paragraph (2), for the periods specified therein, shall, while residing  
8 in, or if the person has no residence, while located in, California,  
9 be required to, within 10 days of coming into this state, or changing  
10 the person’s residence or location within any city, county, city and  
11 county, or campus wherein the person temporarily resides, or if  
12 the person has no residence, is located, in this state:  
13 (A) Register with the chief of police of the city where the person  
14 is residing, or if the person has no residence, where the person is  
15 located.  
16 (B) Register with the sheriff of the county where the person is  
17 residing, or if the person has no residence, where the person is

1 located in an unincorporated area or city that has no police  
2 department.

3 (C) In addition to subparagraph (A) or (B) above, register with  
4 the chief of police of a campus of the University of California, the  
5 California State University, or the California Community Colleges  
6 where the person is residing, or if the person has no residence,  
7 where the person is located upon the campus or any of its facilities.

8 (2) Any person who is convicted in any court in this state of  
9 animal abuse shall be required to register, in accordance with the  
10 provisions of this section, for a period of 10 years, *commencing*  
11 *from the date of conviction*.

12 (c) Any person required to register pursuant to this section who  
13 is discharged or paroled from a jail, prison, school, road camp, or  
14 other penal institution, or from the Division of Juvenile Justice  
15 where he or she was confined because of the commission of animal  
16 abuse, shall, prior to the discharge, parole, or release, be informed  
17 of his or her duty to register under this section by the official in  
18 charge of the place of confinement. The official shall require the  
19 person to read and sign the form as may be required by the  
20 Department of Justice, stating that the duty of the person to register  
21 under this section has been explained to him or her. The official  
22 in charge of the place of confinement shall obtain the address  
23 where the person expects to reside upon his or her discharge,  
24 parole, or release and shall report the address to the Department  
25 of Justice. The official in charge of the place of confinement shall  
26 give one copy of the form to the person, and shall, not later than  
27 45 days prior to the scheduled release of the person, send one copy  
28 to the appropriate law enforcement agency having local jurisdiction  
29 where the person expects to reside upon his or her discharge,  
30 parole, or release; one copy to the prosecuting agency that  
31 prosecuted the person; and one copy to the Department of Justice.  
32 The official in charge of the place of confinement shall retain one  
33 copy. All forms shall be transmitted in time so as to be received  
34 by the local law enforcement agency and prosecuting agency 30  
35 days prior to the discharge, parole, or release of the person.

36 (d) Any person who is required to register pursuant to this  
37 section who is released on probation or discharged upon payment  
38 of a fine shall, prior to the release or discharge, be informed of his  
39 or her duty to register under this section by the probation  
40 department of the county in which he or she has been convicted,

1 and the probation officer shall require the person to read and sign  
2 the form as may be required by the Department of Justice, stating  
3 that the duty of the person to register under this section has been  
4 explained to him or her. The probation officer shall obtain the  
5 address where the person expects to reside upon his or her release  
6 or discharge and shall report within three days the address to the  
7 Department of Justice. The probation officer shall give one copy  
8 of the form to the person, and shall send one copy to the appropriate  
9 law enforcement agency having local jurisdiction where the person  
10 expects to reside upon his or her discharge or release, and one copy  
11 to the Department of Justice. The probation officer shall also retain  
12 one copy.

13 (e) (1) The registration shall consist of all of the following  
14 information:

15 (A) A statement in writing signed by the person, giving all of  
16 the following information:

17 (i) The legal name and any other names or aliases that the person  
18 is using or has used.

19 (ii) Date of birth.

20 (iii) The current address or location of the person.

21 (iv) Name and address of employer.

22 (v) Animal abuse offense for which the person was convicted.

23 (vi) The date and place of the animal abuse offense conviction  
24 of the person.

25 (vii) Any other information as may be required by the  
26 Department of Justice.

27 (B) The complete set of fingerprints and a photograph of the  
28 person.

29 (C) A description of any tattoos, scars, or other distinguishing  
30 features on the person's body that would assist in identifying the  
31 person.

32 (2) Within three days after registration, the registering law  
33 enforcement agency shall electronically forward the statement,  
34 fingerprints, and photograph to the Department of Justice.

35 (f) If any person required to register by this section changes his  
36 or her residence address, he or she shall inform, in writing within  
37 10 days, the law enforcement agency with whom he or she last  
38 registered of his or her new address. The law enforcement agency  
39 shall, within three days after receipt of the information,  
40 electronically forward it to the Department of Justice. The

1 Department of Justice shall forward appropriate registration data  
2 to the law enforcement agency having local jurisdiction of the new  
3 place of residence.

4 (g) Any person required to register under this section who  
5 violates any of the provisions thereof is guilty of a misdemeanor.  
6 Any person who has been convicted of animal abuse who is  
7 required to register under this section who willfully violates any  
8 of the provisions thereof is guilty of a misdemeanor and shall be  
9 sentenced to serve a term of not less than 90 days nor more than  
10 one year in a county jail. In no event does the court have the power  
11 to absolve a person who willfully violates this section from the  
12 obligation of spending at least 90 days of confinement in a county  
13 jail and of completing probation of at least one year.

14 ~~(h) Whenever any person is released on parole or probation and~~  
15 ~~is required to register under this section but fails to do so within~~  
16 ~~the time prescribed, the Board of Parole Hearings or the court, as~~  
17 ~~the case may be, shall order the parole or probation of that person~~  
18 ~~revoked.~~

19 ~~(i)~~

20 (h) Certain of the information required by this section shall be  
21 open to inspection by the public, pursuant to Section 600.7, through  
22 the use of an Internet Web site maintained by the Department of  
23 Justice, or by telephone or upon written request where practicable.

24 ~~(j)~~

25 (i) In any case in which a person who would be required to  
26 register pursuant to this section is to be temporarily sent outside  
27 the institution where he or she is confined on any assignment within  
28 a city or county, the local law enforcement agency having  
29 jurisdiction over the place or places where that assignment shall  
30 occur shall be notified within a reasonable time prior to removal  
31 from the institution. This subdivision shall not apply to any person  
32 temporarily released under guard from the institution where he or  
33 she is confined.

34 ~~(k)~~

35 (j) Nothing in this section shall be construed to conflict with  
36 Section 1203.4 concerning termination of probation and release  
37 from penalties and disabilities of probation.

38 A person required to register under this section may initiate a  
39 proceeding under Chapter 3.5 (commencing with Section 4852.01)  
40 of Title 6 of Part 3 and, upon obtaining a certificate of

1 rehabilitation, shall be relieved of any further duty to register under  
2 this section. This certificate shall not relieve the petitioner of the  
3 duty to register under this section for any offense subject to this  
4 section of which he or she is convicted in the future.

5 SEC. 2. Section 600.7 is added to the Penal Code, to read:

6 600.7. (a) (1) On or before the dates specified in this section,  
7 the Department of Justice shall make available information  
8 concerning persons who are required to register pursuant to Section  
9 600.6 to the public via an Internet Web site as specified in this  
10 section. The department shall update the Internet Web site on an  
11 ongoing basis. The name or address of the person's employer and  
12 the listed person's criminal history other than the specific crimes  
13 for which the person is required to register shall not be included  
14 on the Internet Web site. The Internet Web site shall be translated  
15 into languages other than English as determined by the department.

16 (2) (A) On or before January 1, 2012, the Department of Justice  
17 shall make available to the public, via an Internet Web site as  
18 specified in this section, as to any person described in subdivision  
19 (b), the following information:

20 (i) The year of conviction of his or her most recent offense  
21 requiring registration pursuant to Section 600.6.

22 (ii) The year he or she was released from incarceration for that  
23 offense.

24 (iii) Whether he or she was subsequently incarcerated for any  
25 other felony, if that fact is reported to the department. If the  
26 department has no information about a subsequent incarceration  
27 for any felony, that fact shall be noted on the Internet Web site.

28 However, no year of conviction shall be made available to the  
29 public unless the department also is able to make available the  
30 corresponding year of release of incarceration for that offense, and  
31 the required notation regarding any subsequent felony.

32 (B) (i) Any state facility that releases from incarceration a  
33 person who was incarcerated because of a crime for which he or  
34 she is required to register pursuant to Section 600.6 shall, within  
35 30 days of release, provide the year of release for his or her most  
36 recent offense requiring registration to the Department of Justice  
37 in a manner and format approved by the department.

38 (ii) Any state facility that releases a person who is required to  
39 register pursuant to Section 600.6 from incarceration whose  
40 incarceration was for a felony committed subsequent to the offense

1 for which he or she is required to register shall, within 30 days of  
2 release, advise the Department of Justice of that fact.

3 (b) On or before January 1, 2012, with respect to a person who  
4 has been convicted of the commission of any of the offenses listed  
5 in subdivision (a) of Section 600.6, the Department of Justice shall  
6 make available to the public via the Internet Web site, the  
7 information included in the person's registration, including, but  
8 not limited to, his or her name and known aliases, a photograph,  
9 a physical description, including gender and race, date of birth,  
10 criminal history, the address at which the person resides or the  
11 city, county, or city and county in which the person is registered  
12 as a transient, and any other information that the Department of  
13 Justice deems relevant, but not the information excluded pursuant  
14 to subdivision (a).

15 (c) The Department of Justice shall make a reasonable effort to  
16 provide notification to persons who have been convicted of the  
17 commission of an offense specified in subdivision (a) of Section  
18 600.6, that on or before January 1, 2012, the department is required  
19 to make information about offenders available to the public via an  
20 Internet Web site as specified in this section.

21 (d) (1) A designated law enforcement entity may make available  
22 information concerning persons who are required to register  
23 pursuant to Section 600.6 to the public via an Internet Web site as  
24 specified in paragraph (2).

25 (2) The law enforcement entity may make available by way of  
26 an Internet Web site the information described in subdivision (b)  
27 if it determines that the public disclosure of the information about  
28 a specific offender by way of the entity's Internet Web site is  
29 necessary to ensure the public safety based upon information  
30 available to the entity concerning that specific offender.

31 (3) The information that may be provided pursuant to this  
32 subdivision may include the information specified in subdivision  
33 (b).

34 (4) For purposes of this section, "designated law enforcement  
35 entity" means the Department of Justice, every district attorney,  
36 the department, the Division of Juvenile Justice of the department,  
37 and every state or local agency expressly authorized by statute to  
38 investigate or prosecute law violators.

39 (e) Notwithstanding Section 6254.5 of the Government Code,  
40 disclosure of information pursuant to this section is not a waiver



1 of exemptions under Chapter 3.5 (commencing with Section 6250)  
2 of Division 7 of Title 1 of the Government Code and does not  
3 affect other statutory restrictions on disclosure in other situations.

4 (f) The department shall also make the information on the  
5 Internet Web site available by telephone and upon written request  
6 where practicable.

7 (g) ~~(1)~~ Any person who uses information disclosed pursuant  
8 to this section to commit a ~~misdemeanor~~ *crime* shall be subject to,  
9 in addition to any other penalty or fine imposed, a fine of not less  
10 than ten thousand dollars (\$10,000) and not more than fifty  
11 thousand dollars (\$50,000).

12 ~~(2) Any person who uses information disclosed pursuant to this~~  
13 ~~section to commit a felony shall be punished, in addition and~~  
14 ~~consecutive to any other punishment, by a five-year term of~~  
15 ~~imprisonment in the state prison.~~

16 (h) Any person who is required to register pursuant to Section  
17 600.6 who enters an Internet Web site established pursuant to this  
18 section shall be punished by a fine not exceeding one thousand  
19 dollars (\$1,000), imprisonment in a county jail for a period not to  
20 exceed six months, or by both that fine and imprisonment.

21 (i) (1) A person is authorized to use information disclosed  
22 pursuant to this section only to protect an animal at risk.

23 (2) Except as authorized under paragraph (1) or any other  
24 provision of law, use of any information that is disclosed pursuant  
25 to this section for purposes relating to any of the following is  
26 prohibited:

27 (A) Health insurance.

28 (B) Insurance.

29 (C) Loans.

30 (D) Credit.

31 (E) Employment.

32 (F) Education, scholarships, or fellowships.

33 (G) Housing or accommodations.

34 (H) Benefits, privileges, or services provided by any business  
35 establishment.

36 (3) This section shall not affect authorized access to, or use of,  
37 information pursuant to, among other provisions, Sections 11105  
38 and 11105.3, Section 8808 of the Family Code, Section 14409.2  
39 of the Financial Code, Sections 1522.01 and 1596.871 of the Health  
40 and Safety Code, and Section 432.7 of the Labor Code.

(4) (A) Any use of information disclosed pursuant to this section for purposes other than those provided by paragraph (1) or in violation of paragraph (2) shall make the user liable for the actual damages, and any amount that may be determined by a jury or a court sitting without a jury, not exceeding three times the amount of actual damage, and not less than two hundred fifty dollars (\$250), and attorney's fees, exemplary damages, or a civil penalty not exceeding twenty-five thousand dollars (\$25,000).

(B) Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of misuse of the information available via an Internet Web site established pursuant to this section in violation of paragraph (2), the Attorney General, any district attorney, or city attorney, or any person aggrieved by the misuse is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for the pattern or practice of misuse. The foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law, including Part 2 (commencing with Section 43) of Division 1 of the Civil Code.

(j) The public notification provisions of this section are applicable to every person described in this section, ~~without regard to when his or her crimes were committed or his or her duty to register pursuant to Section 600.6 arose, and to every offense described in this section, regardless of when it was committed.~~ *who is convicted on or after January 1, 2011.*

(k) A designated law enforcement entity and its employees shall be immune from liability for good faith conduct under this section.

(l) Any person who is relieved of the duty to register pursuant to subdivision (k) of Section 600.6 shall be removed from the Internet Web site.

(m) The Attorney General, in collaboration with local law enforcement and others knowledgeable about animal abuse offenders, shall develop strategies to assist members of the public in understanding and using publicly available information about registered animal abuse offenders to further public safety. These strategies may include, but are not limited to, a hotline for community inquiries, neighborhood and business guidelines for

1 how to respond to information posted on this Internet Web site,  
2 and any other resource that promotes public education about these  
3 offenders.

4 SEC. 3. Section 600.8 is added to the Penal Code, to read:

5 600.8. (a) Any person convicted of an offense specified in  
6 subdivision (a) of Section 600.6 shall, in addition to any other  
7 penalty or fine imposed, be subject to a fine of two hundred dollars  
8 (\$200) for each misdemeanor conviction and a fine of five hundred  
9 dollars (\$500) for each felony conviction.

10 (b) Notwithstanding Section 1463.001, fines collected pursuant  
11 to subdivision (a) shall be deposited in the Animal Protection Fund,  
12 which is hereby created in the State Treasury. Moneys in the fund  
13 shall be available, upon appropriation by the Legislature, and shall  
14 be expended for the following purposes:

15 (1) By the Department of Justice for creating, administering,  
16 and updating the Internet Web site pursuant to Section 600.7.

17 (2) By local governments for spay and neuter programs.

18 (3) No more than 3 percent of the revenue deposited in the fund  
19 may be used for reimbursement of costs of administration,  
20 collection, enforcement, and auditing requirements associated with  
21 this section and Section 600.7.

22 SEC. 4. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution for certain  
24 costs that may be incurred by a local agency or school district  
25 because, in that regard, this act creates a new crime or infraction,  
26 eliminates a crime or infraction, or changes the penalty for a crime  
27 or infraction, within the meaning of Section 17556 of the  
28 Government Code, or changes the definition of a crime within the  
29 meaning of Section 6 of Article XIII B of the California  
30 Constitution.

31 However, if the Commission on State Mandates determines that  
32 this act contains other costs mandated by the state, reimbursement  
33 to local agencies and school districts for those costs shall be made  
34 pursuant to Part 7 (commencing with Section 17500) of Division  
35 4 of Title 2 of the Government Code.